

The Salisbury Planning Board held its regular meeting on Tuesday, June 14, 2005 in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Len Clark, Bryan Duncan, Brian Miller, Valarie Stewart, Bryce Ulrich, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: Lou Manning, Sandy Reitz, and Albert Stout

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

Chairman **Brian Miller** called the meeting to order with an opening prayer and the Pledge of Allegiance; June 14 is Flag Day. The minutes of the May 24, 2005 meeting were approved as published.

#### GROUP DEVELOPMENT SITE PLANS

**David Phillips**, Zoning Administrator, made all of the staff presentations for the following:

1. **G-01-75** Salisbury High School, 500 Lincolnton Road, Tax Map 013, Parcel 135, Zoning B-1 & R-6

Mr. Pete Bogle, of Ramsay, Burgin, Smith Architects, submitted the application for the construction of a new running track and a parking facility to be completed in two phases. The first phase will include the construction and paving of the running track to be located at the corner of Thomas and Caldwell Streets. The second phase will include the construction of one parking lot with 46 parking spaces to be located at the corner of Caldwell and Thomas Streets, and another proposed lot with 93 spaces to be located at the corner of Lincolnton & Caldwell Streets. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval of the application. Staff recommends the installation of the sidewalk be on the school's side of Thomas Street.

New landscaping will be installed along Thomas Street. Staff recommended sidewalk on Thomas Street; the plans are proposing sidewalk on Thomas Street, but on the opposite side of the street—not on the school's property. This is due to the steep slope that resulted from the grading of the track. The school would pay the expense of the sidewalk installation.

Mr. Phillips explained the traffic flow to the new parking and the closing of former residential curb cuts. There will be a reduction in the original size of one of the parking lots in an effort to save two large trees.

Chairman Brian Miller opened a Courtesy Hearing.

*Those speaking in favor:*

Mr. and Mrs. Gilbert Russell, 715 Holmes Street, are members of Thomas Street Church of Christ. Mr. Russell wanted to be certain that the church would not have any financial obligation for the sidewalk. Mr. Russell also wondered if the school would be in charge of the maintenance of the parking lot. He also was interested in whether any trees would be planted. The school's side will have landscaping—not the church's side.

*Those speaking in opposition: None**Board Discussion:*

Price Wagoner asked if a handrail would be required if the sidewalk went on the school's side—due to the steep grading. Mr. Phillips said more detail would be required to be able to answer that question.

Diane asked about the TRC recommendation to install the sidewalk on the school's side of the street. Mr. Phillips said they were not supposed to grade into the right-of-way. If they had left that undisturbed, they would have had an area to put the sidewalk. The encroachment may cost the builder if they have to bring in some fill-dirt and do some re-grading. Mr. Walters wondered what the cost difference would be to install the sidewalk on one side versus the other. Mr. Phillips suggested that the City of Salisbury could make that estimate. Mr. Len Clark thought that it makes no sense to have schoolchildren spilling out of a track meet and to have the sidewalk on the opposite side of the street.

Mr. Clark made a motion to recommend to City Council the approval of G-01-75 with staff's recommendation to install the sidewalk on the Salisbury High School side of the street. Diane Young seconded the motion with all members voting AYE. (8-0)

Due to hearing loss, Mr. Melvin Barnhardt of 529 Lincolnton Road, did not understand that he was to speak during the Courtesy Hearing. Chairman Miller offered him an opportunity to speak and let him know that he would have another opportunity at the City Council meeting on June 21. He reflected on the many years he has lived there, and voiced his concerns about dangerous traffic congestion and bottlenecking during peak school times. He feels that, in regard to the expansion, the impact on homeowners in the vicinity is not being considered.

2. **G-08-05** 1815 East Innes Street, Tax Map 071, Parcel 101, Zoning B-4-S w/GDA Overlay

Mrs. Dora Dalton submitted the application for conversion from residential use to office use to be located at 1815 East Innes Street. All zoning criteria have been met. The TRC recommends approval to the City Council of the application, as submitted.

This property recently came before the Planning Board and City Council for a rezoning that had been approved. The property has a General Development A Overlay (GDA Overlay) which means that the property must come before the group development process to convert the primary use from residential to office. Mr. Phillips stated that there was a text amendment for parking in B-1 that has a residential feel. The Zoning



Administrator, David Phillips, can actually regulate the number of spaces required rather than going by the total square footage of the structure (that would result in parking in the front yard of the structure). There will be a total of four parking spaces.

Landscaping guidelines were met with points from some very sizeable trees and the installation of a six-foot privacy fence that will provide complete visual separation on the back of the property.

*Those speaking in favor:*

Mrs. Dora Dalton, 1815 East Innes Street, said she appreciated the Planning Board and City Council working with her, and everything is going well.

*Those speaking in opposition:* None

*Board Discussion:*

Len Clark made a motion to accept G-08-05 as recommended by TRC. Price Wagoner seconded the motion with all members voting AYE. (8-0)

Dr. Mark Beymer joined the Planning Board at 4:40 p.m.

3. **G-04-99** The Reserve, Old Mocksville Road, Tax Map 324, Parcel 058 & 060, Zoning RD-A

Mr. Rodney Queen, of Rodney Queen Construction, LLC, submitted the application requesting the reduction of the lot depths to 125' (lots 1-7) in Phase I, to be located on Windermere Circle. All zoning criteria have been met. The TRC recommends City Council's approval of the application, as submitted. Staff is requiring a map that accurately reflects the flood boundaries.

RD-A is a Group Development procedure that allows the developer flexibility in setbacks and lot sizes. The first seven lots were originally platted at 250' deep. The developer wishes to reduce the lot depth to 125'; this is the standard minimum for a residential lot-comparable to an R-8 lot size.

*Those speaking in favor:*

Rodney Queen, 101 Polo Drive, stated that the original program did change due to the fact that the market does not require the larger lot.

*Those speaking in opposition:* None

*Board Discussion:*

Mr. Ulrich understood Mr. Queen's marketing issue and could support the change in the lot depth that results in the creation of a common area. Besides, Mr. Queen is meeting the minimum requirements.

Bryce Ulrich made a motion to approve G-04-99 with the staff requirement to submit an accurate plat that reflects the flood boundaries. Charlie Walters seconded the motion with all members voting AYE. (9-0)

4. **G-03-05** Greystone Village, 3000 Block West Innes Street, Tax Map 325, Parcel 042, Zoning R6A-S

Mr. Rodney Queen, of Rodney Queen Construction, LLC, submitted the application for the construction of 173 residential condominium units to be located in the 3000 block of West Innes Street. All zoning criteria have been met. The TRC recommends approval, contingent on utilities being resolved.

Mr. Queen reduced the number of units from 195 to 166; the open space exceeds the required 25 percent. They have exceeded the required landscaping along the street, and meeting the requirements elsewhere. Areas have been reserved for parking trailers and campers. Water/sewer will be extended for City services. Water/sewer issues are not to be addressed by Planning Board today. There was a discussion about it.

- There should not be any on-street parking on the private drives; each unit has a two-car garage.
- Lighting will be privately maintained.
- This property is in the City's ETJ (Not in the City Limits).

*Those speaking in favor:*

Rodney Queen, 101 Polo Drive, developer, addressed the sewer issue. The burden of the cost seems unfair to the developer. Sidewalks in this development (same as apartments) are not required so they did not include them. He has volunteered a pocket park and various common areas that are not reflected well on the site plan.

*Those speaking in opposition:* None

*Board Discussion*

Len Clark acknowledged that there is 25 percent open space, but wondered if that is in the spirit of the zoning code. His understanding is that the open space should be within the community and not along the perimeter. Mr. Phillips said that the requirements for open space were not specific.

Mr. Clark expressed his disappointment that there were no sidewalks. Sidewalks are not required on private drives; this does not have to meet subdivision standards.

Mr. Ulrich agreed with Mr. Clark with his concerns about the open space. He also has concerns about on-street parking; maybe visitors can use the RV parking area. Mr. Ulrich feels it is a great plan, but some items could be tweaked.

Dan Mikkelsen stated that each unit has the potential to adequately park four vehicles in the garage and driveway.



Charlie Walters lives on the same side of town as this project and feels it meets a need for that area. Mr. Walters made a motion to recommend approval of G-03-05 as presented. Valarie Stewart seconded the motion. (Motion passed 7-2) Dr. Mark Beymer, Bryan Duncan, Brian Miller, Valarie Stewart, Price Wagoner, Charlie Walters, and Diane Young voted in favor—Len Clark and Bryce Ulrich voted against.

### COMMITTEE SCHEDULING

*Legislative Committee B* (Len Clark, Chair; Sandy Reitz; Albert Stout; Price Wagoner; and Bryan Duncan) Downtown Indoor recreation—According to the report that was distributed in the agenda package, the committee decided that past discussions resulted in good decisions. The committee supports the 2002 decision of City Council, specifically leaving pool halls to the B-4 and B-6 districts. However, if the new code is adopted and the B-5 becomes DMX (Downtown mixed use) there are use categories that could be allowed-by-right in the new code. The Land Development Ordinance Committee (LDOC) will look at this issue carefully. Staff wants to take the opinion of Planning Board to the LDOC about whether indoor amusements (pool halls) should be prohibited or allowed by special use permit. Mr. Miller feels that the time will come to comment on this issue, but this is not the time.

David Phillips explained that a bar can have a pool table—two or more tables require a permit from the police department.

If the property owner making this inquiry desires a text amendment change, that would be his next option in order to allow pool halls in B-5. Until there is a formal request, the Planning Board will not discuss pool halls any further.

*Committee 1*—North Main Small Area Study continues to prepare for a neighborhood meeting. Janet Gapen requested the committee meet the week of July 11—before the public meeting. Mr. Jeff Smith will need to be replaced on that committee. Janet will ask Albert Stout if he would like to remain on the committee since he had previously shown an interest.

The first community meeting on the North Main Street Small Area Plan will be held Thursday, July 21 at 6 p.m. at the Henderson School cafeteria (1215 N. Main Street). Meeting announcements will be published in the Salisbury Post and notices mailed to residents of the area in the coming weeks.

Staff will prepare a presentation for the next Planning Board meeting on June 28. This will bring the new Board members up-to-date. Mr. Miller requested a copy of the presentation because he will not be here for the next meeting.

*Rules of Procedure Committee*—Members received and discussed an updated version of the Rules of Procedure to review. The changes are intended to make the language clearer and point toward the future. The Planning Board will take action on the revised Rules of Procedure at the next meeting.

OTHER BOARD BUSINESS*Chairman*

Brian Miller requested that staff make a recommendation for the next small area plan (SAP). One of the goals of the Planning Board is to define three areas for SAP. Mr. Miller felt that the Planning Board is presently being underutilized. He is of the opinion that there is more that the Board could be doing.

*Staff*

City Council initiated a Sign Ordinance Committee for Downtown Signage. Two Planning Board members participated in that committee - Len Clark and Bryce Ulrich. They have had one meeting. Staff will move forward on text proposals. The committee should reconvene around the first of July. Brian Miller asked to include Downtown Salisbury, Inc. in the discussion.

City Council initiated a Sign Ordinance Committee for special events that needs to reconvene.

Janet Gapen invited Board members to visit the Jersey City Neighborhood to see the new sidewalk installation. This was made possible with some CDBG funds.

June 29 at 4 p.m. the American Planning Association live audio conference will take place in the Council Chamber. Ed Muire, County Planner, is pleased to participate, as well as John Wear from Catawba College's Center for the Environment.

There being no further business to come before the Board, the meeting was adjourned.



Brian Miller, Chairman



Lou Manning, Vice Chairman



Secretary, Diana Moghrabi